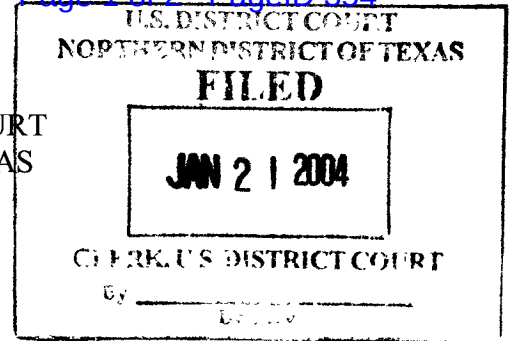


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JAMES AVERY RUSH, IV

Plaintiff,

v.

Civil Action No. 2-03CV-0140J

NATIONAL BOARD OF MEDICAL

EXAMINERS,

Defendant.

STIPULATIONS CONCERNING NON-JURY TRIAL


Plaintiff James Avery Rush, IV and Defendant National Board of Medical Examiners, by and through their attorneys of record, hereby stipulate the following for the purposes of the above styled cause:

1. Plaintiff will not seek recovery of compensatory and punitive damages but will limit the relief sought to injunctive relief and attorneys' fees.
2. Defendant agrees not to claim that Plaintiff lacks irreparable harm for injunctive relief because Plaintiff has an adequate remedy at law.
3. The parties have previously stipulated that the issue of attorneys' fees will be tried by the Court based on affidavits submitted after trial. The parties further agree that there is no right to trial by jury of any issues in this case concerning Plaintiff's right to injunctive relief and attorneys' fees. The parties agree to trial by the Court on those issues.

AGREED this 19th day January, 2004:

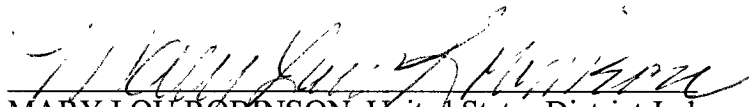


JOHN MOZOLA, attorney for Plaintiff James Avery
Rush, IV



THOMAS C. RINEY, , attorney for Defendant
Board of Medical Examiners

APPROVED:



MARY LOU ROBINSON, United States District Judge